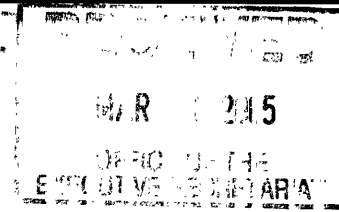


Rubin Katz Law Firm

A Professional Corporation | ATTORNEYS AT LAW



February 8, 2005

James B. Alley
Janet Clow
David F. Cunningham
Frank T. Herdman
Leonard S. Katz
Owen C. Rouse III
James S. Rubin

Melanie E. MacGillivray
Brenden J. Murphy
Shelby E. Robinson
Elege Simons

Donald M. Salazar
(1947-2003)

VIA FAX 982-8623 and certified mail

Kathleen Gabriella
Northstar 1991 Family Trust
c/o Barry Paisner
P.O. Box 2068
Santa Fe, NM 87504-2068

Re: Sixty-Day Notice of Intent to Sue for Violations of the Clean Water Act

Dear Ms. Gabriella:

Pursuant to Section 505(b) of the Clean Water Act, 33 U.S.C. 1365(b), Eric Oppenheimer and Elizabeth Oppenheimer hereby give notice of their intent to commence a legal action against you in the United States District Court for the District of New Mexico for violations of the Clean Water Act, 33 U.S.C. 1251 et. seq., and the rules and regulations adopted thereunder. These violations include, but are not limited to, the construction or maintenance of mining roads across navigable waters without a permit, and construction of temporary roads for moving mining equipment, where such roads were not constructed and maintained in accordance with best management practices, did not assure that flow and circulation patterns and chemical and biological characteristics of the navigable waters were not impaired, did not assure that the reach of the navigable waters was not reduced, and did not assure that any adverse effect on the aquatic environment would be otherwise minimized. The location of these violations is on the Ojo Caliente River in Rio Arriba County, New Mexico, at a point approximately ten miles north of its confluence with the Rio Chama, near the Northeast corner of the Antonio de Abeyta Grant..

These violations began on or about December 28, 2004 and have continued daily since that date. In light of these continuing violations, this letter constitutes notice to you, to the Environmental Protection Agency, and to the State of New Mexico of intent to sue under Section 505(b) of the Clean Water Act. The Oppenheimers intend to seek injunctive relief, civil penalties in the amount of \$25,000 per day, and their litigation expenses, including reasonable attorney's fees.

Kathleen Gabriella
February 8, 2005
page 2

During the sixty-day notice period, we will be available to discuss remedies and possible means of resolving this matter without litigation. If you wish to do so, please contact the undersigned.

Very truly yours,


Owen C. Rouse III

cc: Eric and Elizabeth Oppenheimer

Michael O. Leavitt - via certified mail
Administrator
U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
Washington, D.C. 20004

Richard Greene
Regional Administrator, Region 6
U.S. Environmental Protection Agency
1445 Ross Avenue
Suite 1200
Dallas, Texas 75202

Ron Curry, Cabinet Secretary
New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive - P.O. Box 26110
Santa Fe, NM 87502-0110

Glenn Saums
Surface Water Quality Bureau
New Mexico Environment Department
Harold Runnels Building
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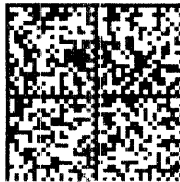
Rubin Katz Law Firm

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Post Office Drawer 250 -- Santa Fe, NM 87504-0250

CERTIFIED MAIL



7002 0460 0000 9120 7109



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02/08/2005

Mailed From 87501

US POSTAGE

Michael O. Leavitt
Administrator

U.S. Environmental Protection Agency
1201 Constitution Avenue, NW
Washington, DC

80460